

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

**CIVIL MINUTES - GENERAL**

Case No. SACV 15-735 JVS (DFMx) Date July 7, 2015

Title Rudolph v. Resort Vacations, Inc.

Present: The Honorable James V. Selna

Karla J. Tunis  
Deputy Clerk

Not Present  
Court Reporter

Attorneys Present for Plaintiffs:  
Not Present

Attorneys Present for Defendants:  
Not Present

**Proceedings: (IN CHAMBERS)**  
**Order Vacating Defendant's Motion to Dismiss**

Pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure, Defendant Resort Vacations, Inc. ("Resort Vacations") moves for dismissal of Plaintiff Ronald Rudolph's ("Rudolph") Complaint. (Mot. Dismiss, Docket No. 13.) Rudolph has opposed (Opp'n Mot. Dismiss, Docket No. 18), and Resort Vacations has not replied.

The Court has preliminarily reviewed Resort Vacations' Motion to Dismiss. Local Rule ("L.R.") 7-3 requires that the parties "meet and confer" in advance of filing such a motion "to discuss thoroughly, *preferably in person*, the substance of the contemplated motion and any potential resolution." (Italics supplied.) The conference must occur at least seven (7) days prior to the filing of the motion.<sup>1</sup> L.R. 7-3. In the notice of the motion, the moving party must include a statement to the effect: "This motion is made following the conference of counsel pursuant to Local Rule 7-3, which took place on [date]." *Id.*

The Court finds that the Motion was filed in violation of Local Rule 7-3. The Motion has no statement or indication that the parties met and conferred in advance of filing this Motion. (See generally Mot. Dismiss.) Furthermore, Rudolph's Opposition

<sup>1</sup> Local Rule 7-3 was amended on June 1, 2013. The only motions not covered by the rule are those listed as exempt in Local Rule 16-12, discovery motions, and applications for temporary restraining orders or preliminary injunctions.

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notes the violation of Local Rule 7-3 and Resort Vacations has not filed a reply to address Rudolph's alleged violation. Accordingly, the motion is ordered VACATED and off calendar. The July 20, 2015 hearing is vacated. Fed. R. Civ. P. 78; Local Rule 7-15. The motion may be re-noticed provided the renewed motion is accompanied by a declaration that establishes compliance with Local Rule 7-3.

**IT IS SO ORDERED.**

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Initials of Preparer      kjt